

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ALCATEL-LUCENT USA INC.

v.

OVERSTOCK.COM, INC.; and NEWEGG INC.;
MAGNELL ASSOCIATE INC. d/b/a
NEWEGG.COM;

Civil Case No. 6:09-CV-422-LED

JURY DEMANDED

VERDICT FORM

In answering these questions, you are to follow the instructions I have given you in the Charge of Court.

**ALCATEL-LUCENT USA'S PATENTS ASSERTED
AGAINST DEFENDANTS**

'131 PATENT

1. Did Alcatel-Lucent USA prove by a preponderance of the evidence that Overstock literally infringes any of the following Asserted Claims of the '131 Patent?

Answer "Yes" or "No" for each listed Asserted Claim:

'131 Patent

Claim 1 Yes _____ No ✓

Claim 5 Yes _____ No ✓

2. Did Alcatel-Lucent USA prove by a preponderance of the evidence that Newegg literally infringes any of the following Asserted Claims of the '131 Patent?

Answer "Yes" or "No" for each listed Asserted Claim:

'131 Patent

Claim 1 Yes _____ No ✓

Claim 5 Yes _____ No ✓

'656 PATENT

3. Did Alcatel-Lucent USA prove by a preponderance of the evidence that Overstock literally infringes any of the following Asserted Claims of the '656 Patent?

Answer "Yes" or "No" for each listed Asserted Claim:

'656 Patent

Claim 1	Yes _____	No <input checked="" type="checkbox"/> _____
Claim 2	Yes _____	No <input checked="" type="checkbox"/> _____

4. Did Alcatel-Lucent USA prove by a preponderance of the evidence that Newegg literally infringes any of the following Asserted Claims of the '656 Patent?

Answer "Yes" or "No" for each listed Asserted Claim:

'656 Patent

Claim 1	Yes _____	No <input checked="" type="checkbox"/> _____
Claim 2	Yes _____	No <input checked="" type="checkbox"/> _____

'507 PATENT

5. Did Alcatel-Lucent USA prove by a preponderance of the evidence that Overstock literally infringes the following Asserted Claim of the '507 Patent?

Answer "Yes" or "No" for each listed Asserted Claim:

'507 Patent

Claim 10

Yes _____

No ☒ _____

6. Did Alcatel-Lucent USA prove by a preponderance of the evidence that Overstock infringes the following Asserted Claim of the '507 Patent under the Doctrine of Equivalents?

Answer "Yes" or "No" for each listed Asserted Claim:

'507 Patent

Claim 10

Yes _____

No ☒ _____

7. Did Alcatel-Lucent USA prove by a preponderance of the evidence that Newegg literally infringes the following Asserted Claim of the '507 Patent?

Answer "Yes" or "No" for each listed Asserted Claim:

'507 Patent

Claim 10

Yes _____

No ☒ _____

INVALIDITY

'131 Patent

8. Did Defendants prove by clear and convincing evidence that any of the following Asserted Claims of the '131 Patent are invalid as anticipated?

If you find the Asserted Claim invalid, answer "Yes," otherwise, answer "No." Answer for all Asserted Claims regardless of whether you have found those claims were infringed.

'131 Patent

Claim 1

Yes ✓

No

Claim 5

Yes ✓

No

9. Did Defendants prove by clear and convincing evidence that any of the following Asserted Claims of the '131 Patent are invalid as obvious?

If you find the Asserted Claim invalid, answer "Yes," otherwise, answer "No." Answer for all Asserted Claims regardless of whether you have found those claims were infringed.

'131 Patent

Claim 1

Yes ✓

No

Claim 5

Yes ✓

No

DAMAGES

ANSWER THIS QUESTION ONLY FOR THE ASSERTED CLAIMS YOU FOUND INFRINGED AND NOT INVALID, IF ANY. IF YOU FOUND NO CLAIMS INFRINGED AND NOT INVALID, PLEASE DO NOT ANSWER THIS QUESTION.

10. **For each Defendant, what sum of money, if any, do you find from a preponderance of the evidence would fairly and reasonably compensate Alcatel-Lucent USA for each Defendants' infringement of the patent claims that you have found were infringed through the time of trial.**

10a. **Overstock**

Damages Awarded

'131 Patent	\$ _____
'656 Patent	\$ _____
'507 Patent	\$ _____

10b. **Newegg**

Damages Awarded

'131 Patent	\$ _____
'656 Patent	\$ _____
'507 Patent	\$ _____

AFFIRMATIVE DEFENSE

ANSWER THIS QUESTION **ONLY** IF YOU HAVE AWARDED DAMAGES
AGAINST NEWEGG AS TO THE '131 PATENT.

10. Does Newegg's use of Microsoft products entitle it to a license to the '131 patent under the 2008 license agreement entered into between Alcatel-Lucent USA and Microsoft Corporation, thus precluding a finding of infringement?

Please answer "Yes" or "No" in the spaces provided below.

Yes _____ No _____

The foreperson must sign and date this verdict form:

10-14-2011

DATE

FOREPERSON